



Applicants' representative spoke with Examiner Kim again on September 9, 2004 to confirm that the proposed amendments to claims 16-19 would place the application in condition for allowance. Examiner Kim recommended that Applicants file a response taking her prior comments into account.

### **III. Rejection under 35 U.S.C. § 103**

Claims 16-31 have been rejected as obvious over Kupper (WO 97/02273). The Examiner contends that Kupper teaches a method of providing an enhanced sensory signal to users of healthcare products, by incorporating a sensate composition comprising a mixture of 3-1-methoxypropane-1,2-diol, vanillin alkyl ethers, jambu or pepper oleoresin, and a carrier. She concedes that the instant claims differ from Kupper because Kupper refers to jambu and pepper oleoresin as warming sensates, not tingling sensates. However, the Examiner asserts that the tingling sensation is an inherent property of jambu and pepper oleoresin, and that Kupper "strongly suggests" the use of jambu or pepper oleoresin for achieving improved perception of warmth. The Examiner concludes that one of ordinary skill in the art would have been motivated to incorporate such a sensate composition into a healthcare product or food product, in order to improve the perceived sensation.

In order to expedite prosecution of this application, claims 16-19 have been amended to delete "Jambu oleoresin" and "Zanthoxylum peperitum" from the list of tingling sensates.

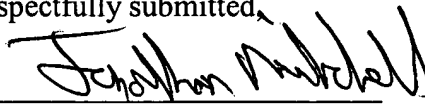
Kupper does not teach or suggest the formulation recited in the present claims, and, therefore, fails to render them obvious. Accordingly, applicants respectfully request that the rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By



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